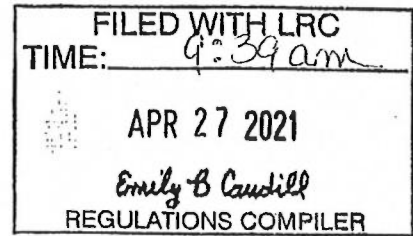


NOTICE

Amendment to 803 KAR 2:435, Supply lines in excess of 600 volts, was filed with the Legislative Research Commission on April 27, 2021.

The amendment is posted at <https://legislature.ky.gov>. Select the Kentucky Law Tab, Kentucky Administrative Regulations, KAR List by Title, then Title 803 Labor Cabinet and scroll down to the regulation under Chapter 2 Occupational Safety and Health.

Changes to the regulation and public hearing information is available at the aforementioned website or in the pages below following this notice.



1 LABOR CABINET
2 Department of Workplace Standards
3 Division of Occupational Safety and Health Compliance
4 Division of Occupational Safety and Health Education and Training
5 (Amendment)
6 803 KAR 2:435. Supply Lines in Excess of 600 Volts [~~Construction industry standards~~].
7 RELATES TO: KRS Chapter 338
8 STATUTORY AUTHORITY: KRS 338.051(3), KRS 338.061 [~~KRS Chapter 13A~~]
9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires [~~and 338.061~~
10 ~~authorize~~] the Kentucky Occupational Safety and Health Standards Board to [~~adopt and~~
11 promulgate occupational safety and health [~~rules, administrative~~] regulations and authorizes the
12 chairman to reference federal standards without board approval if necessary to meet federal time
13 requirements. This administrative regulation establishes standards that are enforced by the
14 Department of Workplace Standards in construction. [~~and contains those standards to be~~
15 ~~enforced by the Division of Occupational Safety and Health Compliance. The Occupational~~
16 ~~Safety and Health Standards Board hereby adopts the following administrative regulations~~
17 ~~applicable to the construction industry.~~]
18 Section 1. Definitions. (1) "Disconnected" means disconnected from any electrical source or
19 supply.
20 (2) "Employee" is defined by KRS 338.015(2).
21 (3) "Employer" is defined by KRS 338.015(1)

1 (4) "Guarded" means protected by personnel, covered, fenced, or enclosed by means of suitable
2 castings, barrier, rails, screens, mats, platforms, or other suitable devices in accordance with
3 standard barricading techniques designed to prevent dangerous approach or contact by persons or
4 objects but does not include insulated wires not otherwise protected.

5 (5) "Hold cards" or "hold tags" means a card or tag-type device, usually having a predominant
6 color of white or red that warns against or cautions against the operation of a particular switch,
7 device, circuit, tool, machine, or other piece of equipment.

8 (6) "Near" means a distance no closer than shown in the table in section 2 of this administrative
9 regulation.

10 (7) "Qualified person" means a person who, because of experience and training is familiar with
11 the construction and operation of the apparatus or equipment and the hazards involved in the
12 performance of the job.

13 Section 2. Safety and Testing [of Supply Lines in Excess of 600 Volts]. (1) Definitions.

14 ~~(a) Disconnected means disconnected from any electrical source of supply.~~

15 ~~(b) Guarded: protected by personnel, covered, fenced, or enclosed by means of suitable castings,~~
16 ~~barrier, rails, screens, mats, platforms, or other suitable devices in accordance with standard~~
17 ~~barricading techniques designed to prevent dangerous approach or contact by persons or objects.~~

18 ~~(Note: wires, which are insulated but not otherwise protected, are not considered as guarded.)~~

19 ~~(c) Hold cards: (also called "hold tags") a card or tag type device, usually having a predominant~~
20 ~~color of white or red which warns against or which cautions against the operation of a particular~~
21 ~~switch, device, circuit, tool, machine, etc.~~

22 ~~(d) Near: a distance no closer than that shown in the table in subsection (3)(c) of this section.~~

23 ~~(e) Qualified person: a person who, because of experience and training is familiar with the~~

1 ~~construction and operation of the apparatus or equipment and the hazards involved in the~~
2 ~~performance of the job.~~

3 (2) Purpose. (a) ~~[The intent and purpose of this administrative regulation is to provide and~~
4 ~~establish safety procedures for testing equipment to protect electrical workers from hazards~~
5 ~~resulting from exposure to high voltage.~~

6 ~~(b)~~ This administrative regulation applies ~~[shall apply]~~ to nonutility electrical employees
7 ~~[workers who are]~~ engaged in electrical construction ~~[and/or maintenance]~~ of electrical
8 conductors and equipment rated at 600 volts and above.

9 2. ~~[(3)]~~ Energized conductors and equipment. (1) ~~[(a)]~~ Only qualified employees shall work on or
10 near high voltage conductors or equipment.

11 (2) ~~[(b)]~~ Personal protective equipment shall be provided by the employer and used by the
12 employee when working on or near energized, ungrounded high voltage conductors, or
13 equipment.

14 (3)(a) ~~[(e)]~~ No employee shall approach or take any conductive object, without an approved
15 insulating handle, within the minimum distance specified in the Minimum Clear Distance From
16 Live Parts table below, unless the energized part is insulated or guarded from the employee, or
17 the employee is effectively insulated from the energized part ~~[live parts]~~.

18 (b) Rubber gloves, and sleeves if necessary, ~~[(sleeves if neccessary)]~~ rated for the voltage
19 involved shall be considered effective insulation of the employee from the energized part.

Minimum Clear Distance From Live Parts	
Voltage Phase to Phase (Kilovolts)	Distance Phase to Employee
0.6 to 34.5	2'
34.5 to 46	2 1/2'
46 to 69	3'
69 to 115	3' 4"
115 to 138	3' 6"

1 3. ~~[(4)]~~ Deenergized conductor or equipment. (1) ~~[(a)]~~ Existing conditions shall be determined
2 before starting work on an electrical conductor or ~~[and/or]~~ equipment.

3 (2) ~~[(b)]~~ Before any work is performed, all electrical switches, breakers, and associated
4 disconnecting devices shall be opened, made inoperable and hold tagged out by the person in
5 charge.

6 (3) Employees shall be trained and thoroughly instructed in the tagging procedure.

7 (4) One (1) qualified person such as the ~~[, for example:]~~ foreman, general foreman, or first class
8 electrician ~~[,]~~ of each crew shall be responsible for attaching hold tags or ~~[and/or]~~ hold cards to
9 the disconnecting means.

10 (5) When more than one (1) crew is involved in the work, multiple hold tags or hold cards shall
11 be placed in the handle of the disconnecting equipment.

12 (6) The use of such tags shall ~~[must]~~ be respected.

13 (7) Equipment or items ~~[se]~~ tagged shall ~~[must]~~ not be activated or used without full and proper
14 authority of the ~~[a]~~ responsible person whose signature appears on the tag.

15 (8) ~~[(e)]~~ Conductors shall be short-circuited and grounded wherever possible.

16 (9) ~~[(d)]~~ Capacitors may be components of apparatus of the disconnected electrical system.

17 (10) Before employees are allowed to work, the capacitors shall be discharged, short-circuited,
18 and grounded.

19 (11) ~~[(e)]~~ When deenergizing conductors and equipment and the means of disconnecting from
20 the energy source is not visibly open, a voltage test shall be made before starting work.

21 (12) An operational check shall be made of the voltage tester prior to and following the voltage
22 test to determine reliability of the testing device.

23 (13) The test device shall ~~[must]~~ be handled and used while wearing or using approved

1 protective equipment during the test.

2 (14) [~~(f)~~] All conductors and equipment shall be treated as energized until tested, short-circuited
3 and effectively grounded except when the circuit involved is isolated from all possible sources of
4 energizing voltage from another circuit, induced voltage or back feed.

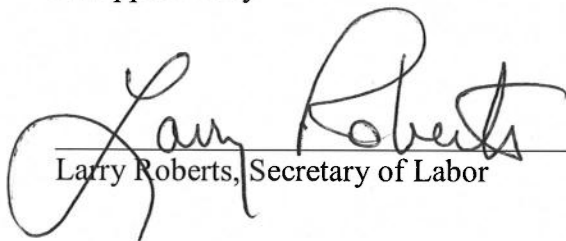
5 (15) [~~(g)~~] The voltage condition of deenergized conductors and [~~and/or~~] equipment shall be
6 determined with testing equipment designed for the applicable voltage.

7 (16) [~~(h)~~] Upon completion of work on deenergized conductors and equipment, the person
8 responsible shall ascertain that all employees under her or his jurisdiction are clear and that all
9 protective short-circuit and grounding lines are removed.

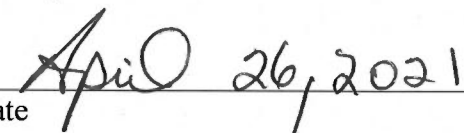
10 (17) The qualified person(s) shall then remove her or his hold tag(s).

11 (18) Only at this time shall conductors and equipment be reenergized.

As approved by



Larry Roberts, Secretary of Labor



Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 21, 2021 at 10:00 am (ET). The meeting will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8) b (2020) and the continuing state of emergency. Public access to the meeting will be available at

<https://us02web.zoom.us/j/86731399141?pwd=Q2VOcDQ3ZkVBaUtoNERCMDNlKzZlZz09>, password 446261; or by telephone at (713) 353-0212, (888) 822-7517 toll free, conference code 194378.

Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-4107, Facsimile: (502) 564-4769, Email: Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation Number: 803 KAR 2:435

Contact person: Robin Maples (502) 564-4107, Robin.Maples@ky.gov, Facsimile: (502) 564-4769

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since August 3, 1977, defines terms including terms previously found in Section 2. Section 2 updates and maintains the requirements addressing electrical supply lines in excess of 600 volts in construction. This amendment also updates this administrative regulation to meet KRS Chapter 13A considerations and was reviewed in accordance with House Bill (HB) 50 from the Regular Session of the 2017 General Assembly. Amendments to this regulation are technical and intended to maintain consistency with other regulations.

(b) The necessity of this administrative regulation: This administrative regulation provides all employers with specific requirements for supply lines in excess of 600 volts to protect employers and employees. The regulations promotes employer and employee occupational safety and health throughout Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health (OSH) Standards Board to promulgate OSH administrative regulations. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation, effective since August 3, 1977, promotes worker safety and health throughout Kentucky by establishing specific safety requirements for supply lines in excess of 600 volts.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Section 1 of this administrative regulation, effective since August 3, 1977, defines terms including terms previously found in Section 2. Section 2 updates and maintains the requirements addressing electrical supply lines in excess of 600 volts in construction. This amendment also updates this administrative regulation to meet KRS Chapter 13A considerations and was reviewed in accordance with HB 50 from the Regular Session of the 2017 General Assembly. Amendments to this regulation are technical and intended to maintain consistency with other regulations.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation, effective since August 3, 1977, promotes worker safety and health throughout Kentucky by establishing specific safety requirements for supply lines in excess of 600 volts in construction.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation complies and conforms with the authorizing statutes of KRS 338.051 and 338.061. KRS 338.051(3) and 338.061 authorize the Kentucky OSH Standards Board to promulgate OSH administrative regulations.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides all a clear understanding of the requirements. It promotes employer and employee occupational safety and health throughout Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth engaged in construction activity covered by KRS Chapter 338.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are imposed and no immediate action is required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost to the OSH Program to implement this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Improved employee protection will result from clarification of the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation: (a) Initially: There is no cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: There is neither an increase in fees nor an increase in funding necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

Regulation Number: 803 KAR 2:435

Agency Contact: Robin Maples (502) 564-4107, Robin.Maples@ky.gov, Facsimile: (502) 564-4769

1. Federal statute or regulation constituting the federal mandate.

Not applicable.

2. State compliance standards.

This regulation provides protection to employees and employers; OSHA does not have a regulation for supply lines in excess of 600 volts in construction.

3. Minimum or uniform standards contained in the federal mandate.

Not applicable.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: There is no equivalent federal standard. This regulation, effective since August 3, 1977, promotes worker safety and health throughout Kentucky by establishing specific requirements for supply lines in excess of 600 volts in construction.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 803 KAR 2:435

Contact Person: Robin Maples (502) 564-4107, Robin.Maples@ky.gov, Facsimile: (502) 564-4769

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

This administrative regulation affects any unit, part, or division of state or local government covered by KRS Chapter 338 in construction.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 338.051, KRS 338.061

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

There are no costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years?

There are no costs associated with this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This amendment does not impose any additional requirements or expenditures.